

Appendix A – Public Comment and Response

This page intentionally left blank.

Date="02/23/95"

Citation="60 FR 10139"

Group="transport"

Type="NOTICE"

Department="DEPARTMENT OF TRANSPORTATION"

Agency="OFFICE OF COMMERCIAL SPACE TRANSPORTATION (OCST), DOT"

Subject="Environmental Impact Statement; Sierra and Doña Ana Counties, NM"

AGENCY: Office of Commercial Space Transportation (OCST), DOT.

ACTION: Notice of intent.

SUMMARY: The Office of Commercial Space Transportation (OCST) is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared and scoping meetings held on the proposed phased development of the Southwest Regional Spaceport in southern New Mexico.

FOR FURTHER INFORMATION CONTACT: Sharon D. W. Boddie, Office of Commercial Space Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2929. Lucy Dunn, New Mexico Office of Space Commercialization, Department of Economic Development, 1990 E. Lohman Avenue, Atrium Suites 201, Las Cruces, New Mexico, 88001. Telephone: (505) 524-6829.

SUPPLEMENTARY INFORMATION: The Department of Transportation's (DOT) Office of Commercial Space Transportation (OCST), in cooperation with the State of New Mexico's Office of Space Commercialization (NMOSC) and Department of Economic Development, will prepare a joint Federal/State EIS for the proposed commercial Southwest Regional Spaceport in southern New Mexico. The operator of the spaceport will require a license from OCST in accordance with the Commercial Space Launch Act of 1984, as recodified at 49 U.S.C. Subtitle IX, ch. 701-Commercial Space Launch Activities, 49 U.S.C. secsec 70101-70119 (1994). An EIS is necessary for OCST to make a licensing determination and comply with the National Environmental Policy Act of 1969, 42 U.S.C. sec 4321 et seq.

The State of New Mexico proposes the establishment of a commercial spaceport on lands located generally in the Sierra and Doña Ana Counties, between the cities of Truth Or Consequences and Las Cruces, New Mexico, as a key element of the State's efforts to bring regional assets together as a consortium to form the Southwest Space Complex. Other major elements of the Southwest Space Complex include the Department of Defense-owned White Sands Missile Range and the National Aeronautics and Space Administration-owned White Sands Test Facility. The New Mexico State University's Physical Sciences Laboratory, USAF Phillips Laboratory, and the Department of Energy's Sandia and Los Alamos National Laboratories are among the research and development or educational institutions that would be available for additional support as required.

Development of the Southwest Regional Spaceport, and other elements of the Southwest Space Complex, will occur in phases over a number of years. The proposed action encompassed by the EIS includes the construction of launch and associated support facilities and the extension of roads and utilities necessary to parallel the phased development of single-stage-to-orbit (SSTO) technology and

to support other existing or developmental rocket systems, such as sounding rockets and expendable launch vehicles. Initial launch operations are anticipated to begin as early as mid-1996. The State of New Mexico anticipates a completed Southwest Regional Spaceport early in the next century.

The purpose of the Southwest Regional Spaceport project is to provide launch, recovery, and associated support facilities to the developing commercial space industry. The State is proposing to locate the Southwest Regional Spaceport in southern New Mexico because it views the altitude, climatic, population density, and existing infrastructure conditions as highly favorable. The State anticipates that this project will enhance space-related economic development within the State of New Mexico generally and throughout the southwest, as well as increase the ability of the U.S. launch industry to recapture a share of the international satellite launch market.

Alternatives to the proposed action include no action and alternative sites for launch and support facilities within the general area.

Two public scoping meetings will be held in New Mexico to solicit comments on significant environmental issues associated with the proposed action. The specific dates and locations are:

- (1) March 22, 1995, 7:00-9:00 PM, City Council Chambers, 200 N. Church Street, Las Cruces, New Mexico.
- (2) March 23, 1995, 7:00-9:00 PM, Convention Center, 300 Daniel Street, Truth Or Consequences, New Mexico.

Comments are solicited from Federal, State, and local agencies, private organizations and citizens who have previously expressed or are known to have an interest in this proposal. To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties no later than March 27, 1995. Comments and questions concerning this proposed action should be directed to OCST in duplicate (i.e. two copies) at the address provided above.

Issued in Washington, DC on February 16, 1995.

Frank C. Weaver, Director, Office of Commercial Space Transportation.

[FR Doc. 95-4392 Filed 2-22-95; 8:45 am] BILLING CODE 4910-62-P

**SOUTHWEST REGIONAL SPACEPORT
ENVIRONMENTAL IMPACT
STATEMENT**

SCOPING SUMMARY REPORT

JUNE 30, 1995

TABLE OF CONTENTS

	Page
List of Tables	iii
1.0 Introduction	1
2.0 Analysis of Comments	2
3.0 Comment Topics	2
3.1 Land Use	2
3.2 Socioeconomic	3
3.3 Water	4
3.4 Programmatic	4
3.5 Safety	5
3.6 Air Pollution	5
3.7 Alternatives	6
3.8 Environmental Compliance	6
3.9 Wildlife	6
3.10 Project Description	6
3.11 Electromagnetic Radiation	7
3.12 Environmental Impacts	7
3.13 Noise and Vibration	7
3.14 Archaeology	7
3.15 Waste Disposal	8
3.16 Native Americans	8
3.17 Soils and Vegetation	8
3.18 Mitigation	8

LIST OF TABLES

	Page
Table 1: Issues by Type of Contributor	9
Table 2: Issues and Sub-Issues of Highest Concern	10
Table 3: Other Issues and Sub-Issues	12

1.0 INTRODUCTION

On February 23, 1995, a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Southwest Regional Spaceport was published in the Federal Register. Additionally, a scoping letter inviting participation in the scoping process was distributed by mail to individuals, organizations and agencies. A news release announcing the scoping meeting locations and the start of the EIS was also published in local newspapers, including the Las Cruces Sun News and the Sierra County Sentinel.

As part of the National Environmental Policy Act (NEPA) process, verbal and written comments concerning a project are accepted from all interested parties for a minimum period of 30 days following the NOI. These comments assist the EIS preparers in defining the scope of issues to be evaluated in the EIS. They are also a key ingredient in focusing the document, so that coverage of an issue is commensurate with its perceived importance.

This analysis of comments regarding the scope of this EIS considered all input received through April 24, 1995. It focuses on those comments identifying issues to be considered. Consequently, comments expressing support or opposition for the project would not be contained in the following issues analysis. Public comments will continue to be considered throughout the EIS process. A second formal request for comments will be made in conjunction with the availability of the Draft EIS.

Formal public scoping meetings, for the receipt of comments were held as follows:

<u>Date:</u>	3/21/95	3/22/95
<u>Time:</u>	7 p.m.	7 p.m.
<u>Location:</u>	Truth or Consequences City Council Chambers	Las Cruces City Council Chambers
<u>Sign-up Attendance:</u>	37	17

A total of 24 letters were received. Eleven people raised issues at the Truth or Consequences meeting and nine at the Las Cruces meeting. A breakdown of the letters, by type of group, appears below:

<u>GROUP</u>	<u>NO. OF LETTERS</u>
Local Government	4
State Government	5
Federal Government	4
Educational Institutions	1
Organizations	7
Individuals	3

2.0 ANALYSIS OF COMMENTS

Comments were grouped into issues and sub-issues areas similar (but probably not identical) to topical headings which may ultimately comprise this EIS. For example, the sub-issues of land ownership and compensation (which appears under land use) may actually be discussed under several EIS headings including land use, socioeconomic project impacts, socioeconomic cumulative impacts, and socioeconomic mitigation.

This section presents a summary of primary concerns raised by agencies and the public during scoping. The summary addresses the 18 major issues that were raised by a total of 107 letters or comments at the public scoping meetings. Statements representing points of view have been turned into questions for the EIS team to focus on. The tables at the end of the section show the breakdown of issues by type of contributor and sub-issue.

The first table (Table 1), summarizes issues and the number of contributors addressing each issue. If a contributor addressed multiple issues, it was so noted. Therefore, as an example, a letter addressing three issues would appear three times in the Table 1.

Tables 2 and 3 present the next level of detail. Each of the issues identified in Table 1 have been broken down into the sub-issues discussed by the contributors. Table 2 focuses on the issues most frequently addressed, while Table 3 presents all remaining issues.

3.0 COMMENT TOPICS

3.1 LAND USE

The 29 Land Use comments received during the scoping period were primarily concerned with the following topics:

- Will there be compensation for land owners, including equity rights on public lands? (10)
- Will there be impacts to current multiple land uses and changes to the land, including recreational uses? (8)
- To what extent will existing land use plans and policies be adhered to? (4)
- Who will own the “spaceport area?” (2)
- Will there be public access to the transportation routes and spaceport site? (2)
- Will land exchange occur with the Bureau of Land Management (BLM)? (1)
- What will the impacts on land use be? (1)
- Will mitigation for lost access be provided? (1)

3.2 SOCIOECONOMIC

The 30 Socioeconomic comments received during the scoping period were primarily concerned with the following topics:

- Who will incur the cost for the infrastructure? (7)
- How will transportation and traffic, to and from the spaceport, affect the area? (4)
- How will the general quality of life be effected? (3)
- Will the proposed spaceport result in lost recreational opportunities? (3)
- What will be the effect of population increases on living standards? (3)
- How will the crime rate be effected? (2)
- Will taxes be increased? (2)
- How will economic development be effected? (1)
- What is the cost liability of the project? (1)
- Will the project pay taxes? (1)
- How will the livelihood of the ranchers be effected? (1)

- Will the project result in lost revenue from the reduced leasing of public lands? (1)
- Will resettlement hardships occur? (1)

3.3 WATER

The 18 Water-related comments received during the scoping period were primarily concerned with the following topics:

- Will the project affect the availability of water? (10)
- Will the project affect the quality of water? (5)
- How will water rights, laws and regulations apply? (2)
- What surface hydrology changes will occur? (1)

3.4 PROGRAMMATIC

The 25 Programmatic comments received during the scoping period were primarily concerned with the following topics:

- Will the Bureau of Land Management be involved with this project? (4)
- What are the time requirements for scoping? (3)
- Will a programmatic EIS be prepared? (3)
- How will communication and planning with affected parties be carried out? (2)
- Is a business/feasibility plan for the proposed spaceport available? Will one be prepared prior to implementation? (2)
- Is the perceived spaceport a White Sands Missile Range (WSMR) expansion? (1)
- Has a land use plan been developed and are all of the off-site impacts being considered? (1)
- Will all of the off-site impacts be included in the EIS? (1)
- Will the project provide equal employment opportunities? (1)
- Will there be payment in-lieu-of taxes? (1)

- What type of coordination of radio frequencies will occur? (1)
- Is the EIS appropriate for licensing? (1)
- Is the EIS premature? (1)
- What are the cumulative impacts in the area due to other projects? (1)

3.5 SAFETY

The 14 Safety comments received during the scoping period were primarily concerned with the following topics:

- Will the use of hazardous and toxic materials be addressed? (3)
- Will air traffic increases be addressed? (2)
- Will launch and recovery operations be addressed? (2)
- What accidents, in general, are to be expected? (2)
- What impacts due to in-flight malfunctions will occur?(2)
- What will be the hazard zones? (1)
- Will impacts due to fuel transport be addressed? (1)
- Will there be an evacuation procedure? (1)

3.6 AIR POLLUTION

The 7 Air Pollution comments received during the scoping period were primarily concerned with the following topics:

- Generally, how much new air pollution will be created by the project? (3)
- Will operations impair local observatory visibility? (1)
- Will ozone and radiation damage occur? (1)
- What effect will auto emissions have on the area? (1)

- Will the project cause secondary growth and associated air emissions? (1)

3.7 ALTERNATIVES

The 4 comments regarding Alternatives received during the scoping period were primarily concerned with the following topic:

- Will alternatives be expanded beyond those identified in the NOI? (4)

3.8 ENVIRONMENTAL COMPLIANCE

The 4 Environmental Compliance comments received during the scoping period were primarily concerned with the following topic:

- What general environmental standards, laws, and/or regulations will apply? (4)

3.9 WILDLIFE

The 9 Wildlife comments received during the scoping period were primarily concerned with the following topics:

- What will be the impact of the project on native habitat for wildlife? (2)
- Will fences or other inhibitors to wildlife travel be constructed? (2)
- In general, how will wildlife be affected? (2)
- Will endangered species in the area be affect and will there be section 7 consultation? (1)
- How will consideration be given to species of special concern (mule, deer, and antelope)? (1)
- How will impacts to wildlife be mitigated? (1)

3.10 PROJECT DESCRIPTION

The 5 Project Description comments received during the scoping period were primarily concerned with the following topics:

- Why isn't there a more complete location, purpose, and description of the proposed project? (2)

- What will the potential vehicle payload contents be? (1)
- What “near term facilities” constructed? (1)
- What transportation facilities will be required? (1)

3.11 ELECTROMAGNETIC RADIATION

The 3 Electromagnetic Radiation comments received during the scoping period were primarily concerned with the following topics:

- Will the spaceport cause electromagnetic interference with the local observatory? (2)
- Will mitigation of RF interference occur? (1)

3.12 ENVIRONMENTAL IMPACTS

The 4 Environmental Impact comments received during the scoping period were primarily concerned with the following topics:

- What environmental impacts will occur as a result of an increase in the number of people and business in this area? (3)
- What will be the direct environmental effects on the spaceport lands? (1)

3.13 NOISE AND VIBRATION

The 5 Noise and Vibration comments received during the scoping period were primarily concerned with the following topics:

- Will the project create excessive noise associated with flight operations? (3)
- What effect will vibration have on the dams in the area? (1)
- What effects from spaceport operations will the noise have on the cattle in the area? (1)

3.14 ARCHAEOLOGY

The 3 Archaeological comments received during the scoping period were primarily concerned with the following topics:

- Will consultation with the New Mexico SHPO occur? (1)
- Will any existing National landmarks be disturbed? (1)
- In general, what will be the impacts on archaeological resources of this project? (1)

3.15 WASTE DISPOSAL

The 1 Waste Disposal comment received during the scoping period was primarily concerned with the following topic:

- How will liquid and solid be disposed of ? (1)

3.16 NATIVE AMERICANS

The 1 Native American comment received during the scoping period was primarily concerned with the following topic:

- Will Native American artifacts existing in the area be affected by this project? (1)

3.17 SOILS AND VEGETATION

The 2 soils and vegetation comments received during the scoping period were primarily concerned with the following topics:

- Will soil erosion increase as a result of this project? (1)
- Will removal of vegetation be necessary? (1)

3.18 MITIGATION

The 1 Mitigation comment received during the scoping period was primarily concerned with the following topic:

- How will environmental impacts be mitigated at the proposed spaceport site? (1)

TABLE 1: ISSUES BY TYPE OF CONTRIBUTOR

Issue	Letters	T or C	Las Cruces	Issue Total	% Grand Total
Land Use	11	4	3	18	16.82%
Socioeconomics	6	7	3	16	14.95%
Water	6	4	5	15	14.02%
Programmatic Issues	4	3	4	11+1 Phone in	11.32%
Safety	3	4	2	9	8.41%
Air Pollution	2	3	0	5	4.67%
Alternatives	3	0	1	5	4.67%
Environmental Compliance	4	0	0	4	3.74%
Wildlife	4	0	0	4	3.74%
Project Description	0	2	1	3+1 Phone in	3.77%
Electromagnetic Radiation	3	0	0	3	2.80%
Environmental Impacts	3	0	0	3	2.80%
Noise and Vibration	1	1	1	3	2.80%
Waste Disposal	0	1	0	1	0.93%
Archaeology	1	0	1	2	1.87%
Native Americans	1	0	0	1	0.93%
Soils and Vegetation	1	0	0	1	0.93%
Mitigation	1	0	0	1	0.93%
Total				107	100.14%

TABLE 2: ISSUES AND SUB-ISSUES OF HIGHEST CONCERN

Issues and Sub-issues	No. of Comments
Land Use	
1. Land ownership/compensation, incl. equity rights on public lands	10
2. Multiple use and changes, incl. recreation	8
3. Adherence to plans and policies	4
4. Land ownership of spaceport area	2
5. Public access to transportation routes and site	2
6. Land exchange with BLM	1
7. Impacts, general	1
8. Mitigation for lost access	1
Total	29
Socioeconomic	
1. Cost liability for infrastructure	7
2. Transportation and traffic, general	4
3. Quality of life	3
4. Lost recreation opportunities	3
5. Population increases and poor living standards	3
6. Crime rate	2
7. Increased taxes	2
8. Economic development	1
9. Cost liability of project	1
10. Tax status of project	1
11. Livelihood of ranchers	1
12. Lost revenues from reduced leasing of public lands	1
13. Resettlement hardships	1
Total	30
Water	
1. Availability	10
2. Quality	5
3. Water rights, laws and regulations	2
4. Surface hydrology changes	1
Total	18

Issues and Sub-issues	No. of Comments
Programmatic	
1. Inclusion of BLM	4
2. Time requirements for scoping	3
3. Programmatic EIS required	3
4. Communication and planning with affected parties	2
5. Business/feasibility plan needed	2
6. Perceived as WSMR expansion	2
7. Include all planned expansion	1
8. Need a land use plan	1
9. Include all off-site impacts	1
10. Equal employment opportunities	1
11. Payment -in-lieu-of-taxes	1
12. Coordination of radio frequencies	1
13. EIS not appropriate for licensing	1
14. EIS is premature	1
15. Cumulative impacts due to other projects	1
Total	25

TABLE 3: OTHER ISSUES AND SUB-ISSUES

Issues and Sub-Issues	No. of Comments
Safety	
1. Hazardous and toxic materials	3
2. Increased air traffic	2
3. Launch and recovery operations	2
4. Accidents, general	2
5. In-flight malfunctions	2
6. Identification of hazard zones	1
7. Fuel transport	1
8. Evacuation procedure	1
Total	<u>14</u>
Air Pollution	
1. General	3
2. Interference with observatory (visibility)	1
3. Ozone and radiation	1
4. Auto emissions	1
5. Secondary growth and emissions	1
Total	<u>7</u>
Alternatives	
1. Limited Range	4
Environmental Compliance	
1. General	4
Wildlife	
1. Native habitat	2
2. Inhibitors to travel (e.g., fences)	2
3. General	2
4. Endangered species and section 7 consultation	1
5. Species of special concern (mule deer and antelope)	1
6. Mitigation	1
Total	<u>9</u>
Project Description (Specificity Required)	
1. Location, purpose and description	2

Issues and Sub-Issues	No. of Comments
2. Payload contents	1
3. Near term facilities	1
4. Transportation facilities	1
Total	5
Electromagnetic Radiation	
1. Interference with observatory	2
2. Mitigation of RF	1
Total	3
Environment Impacts	
1. Due to increased people and business	3
2. Direct effects on spaceport lands	1
Total	4
Noise and Vibration	
1. Noise associated with flight operations	3
2. Vibration effects on dams	1
3. Noise effects on cattle	1
Total	5
Archaeology	
1. N.M. SHPO and section 7 consultation	1
2. National Historic Landmarks	1
3. General	1
Total	3
Waste Disposal	
1. Liquids and solids	1
Native Americans	
1. "Artifacts"	1
Soils and Vegetation	
1. Soil erosion	1
2. Removal of vegetation	1
Total	2
Mitigation	
1. General	1